

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) –PIL No.8209 of 2017

***Gulumi Bachao Committee and
others***

....

Petitioners

Mr.J.K.Khuntia, Advocate

-versus-

***Collector-cum-District Magistrate,
Koraput and others***

....

Opp.Parties

Mr. D.K.Mohanty, AGA

Mr. Jagabandhu Sahoo,

Senior Advocate for O.P.No.6

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

**ORDER
21.04.2022**

Order No.

I.A. Nos. 3313, 3314 & 3316 of 2022

15. 1. These are applications by Petitioners Nos. 5, 9 & 10 stating that they do not want to be part of this petition. For the reasons stated there in the applications are allowed and the petitions dismissed as far as Petitioners Nos. 5, 9 & 10 are concerned.

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2. This is a petition by seven Petitioners claiming that they are members of the Gulumi Bachao Committee which is for saving the Gulumi Waterfalls situated in Village Dumajodi, Kashiguda under the Kotpad Tahasil in the district of Koraput where a 15 MW small hydro power project is being constructed by Shravani Energy Pvt. Ltd. (Opposite Party No.6).

3. The allegation is that the project has been approved without taking note of the natural waterfall and that it will destroy the dense forest and vegetation.

4. Interestingly in para 2 of the petition it is stated that “the Petitioner had filed the case in the representative capacity on behalf of Baristha Budhijibee Manch and on behalf of general public to protect the tourist spot...”

5. Mr. Jagabandhu Sahoo, learned Senior counsel appearing for the Opposite Party No.6 has placed before the Court documents which go to show that the same Baristha Budhijibee Manch, Jeypore had earlier filed Writ Petition (C) No. 14371 of 2019 in this Court apart from filing O.A. No.4 of 2018 and O.A. 58 of 2019 before the National Green Tribunal (NGT). In those petitions the Petitioners belonged to the Baristha Budhijibee Manch. A para-wise comparison has also been made of the averments in the petitions including the present petition to show how there are identical.

6. The orders of this Court disposing of W.P.(C) No. 14371 of 2019 and of the NGT disposing of O.A. No. 4 of 2018 and O.A. No. 58 of 2019 have been placed on record. In fact the last O.A. No. 58 of 2019 was dismissed by the NGT with cost of Rs. 1,00,000/-. The Review Petition filed against the said order of the NGT has also been dismissed.

7. With so many petitions on the same issue already having been disposed of or dismissed by this Court and the NGT,

the Court sees no reason why it should entertain one more PIL on the same set of facts and virtually by the same Petitioners.

8. Consequently, the Court is not inclined interfere in the matter and the writ petition is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge



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